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EMINENT DOMAIN - NORTH CAROLINA

City of Asheville v. Resurgence Development Co., LLC

Court of Appeals of North Carolina - October 15, 2013 - S.E.2d - 2013 WL 5621631

City eminent domain action to condemn a permanent easement of 435 square feet and a temporary construction easement of 474 square feet to connect its parcel to sewer pump station located on adjoining property. City stated that once it acquired the easement and constructed the sewer line, it would be transferred to the local sewer district and operated in conjunction with the existing sewer system. Defendant answered, contending that City's intended condemnation was not for a public purpose. City then moved for a determination of all issues other than damages under N.C. Gen.Stat. § 40A-47.

The trial court determined that the City's proposed condemnation of an easement over defendant's land was for a public purpose and the Court of Appeals affirmed, finding both a public use and a public benefit.

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